

## ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			
TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)			
ADDRESS OF PROPERTY BEING PROTESTED <u>956 Salerno Dr</u>			
ASSESSOR'S PARCEL NUMBER(S) <u>412-40-008</u>			
REASON OF PROTEST			
I protest the proposed rezoning because <u>See Attachment A</u>			
Use separate sheet if necessary			
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number)			
<u>956 Salerno Dr - Campbell, Ca. 95008</u>			
<u>412-40-008</u>			
and is now zoned <u>R1-8</u> District. (in Santa Clara County)			
The undivided interest which I own in the property described in the statement above is a:			
<input checked="" type="checkbox"/> Fee Interest (ownership)			
<input type="checkbox"/> Leasehold interest which expires on _____			
<input type="checkbox"/> Other: (explain) _____			

## ZONING PROTEST APPLICATION

## SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by ONE or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

PRINT NAME	Doreen L Lucio	DAYTIME TELEPHONE #	400 406-5883
ADDRESS	956 Salerno Dr	CITY	Campbell
		STATE	Ca
		ZIP CODE	95008
SIGNATURE (Notarized)	Doreen J Lucio		DATE
			9-27-10
PRINT NAME	Michael S. Lucio	DAYTIME TELEPHONE #	400 406-0544
ADDRESS	956 Salerno Dr	CITY	Campbell
		STATE	Ca
		ZIP CODE	95008
SIGNATURE (Notarized)	Michael S. Lucio		DATE
			9/27/10
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	
		STATE	
		ZIP CODE	
SIGNATURE (Notarized)			DATE
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	
		STATE	
		ZIP CODE	
SIGNATURE (Notarized)			DATE
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	
		STATE	
		ZIP CODE	
SIGNATURE (Notarized)			DATE
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	
		STATE	
		ZIP CODE	
SIGNATURE (Notarized)			DATE

Use separate sheet if necessary

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

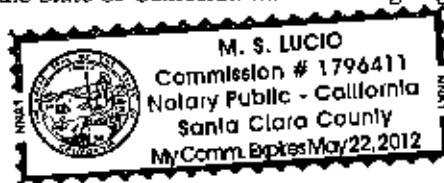
)  
) ss.  
)

On 9/27/10 before me, M. S. LUCIO, Notary Public, personally appeared MICHAEL S. LUCIO / DOREEN L. LUCIO, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]  
Notary Public



(Seal)

STATE OF CALIFORNIA

COUNTY OF \_\_\_\_\_

)  
) ss.  
)

On \_\_\_\_\_ before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public

(Seal)

ATTACHMENT A

TO ZONING PROTEST APPLICATION

I protest -- and respectfully urge the City Council to deny -- the proposed Director Initiated Rezoning (File No. C10-010) ("Rezoning") that would result in the rezoning of my property to R-1-5 Single-Family Residence Zoning District upon annexation to the City of San Jose for the following reasons and with reference to the following facts:

1. Rezoning Paves the Way for Streamlined Annexation Without Protest. The Rezoning is proposed in conjunction with -- and is a necessary prerequisite to -- the City of San Jose's intended streamlined "urban pocket" annexation (pursuant to Government Code § 56375.3) of approximately 103 gross acres, consisting of 330 parcels in unincorporated Santa Clara County, which is commonly known as Cambrian 36. Cambrian 36 encompasses my property and borders both the City of Campbell and the City of San Jose.
2. Rezoning Directly Contradicts City of Campbell and Cambrian 36 Property Owners Requests. The Rezoning is the first step of a unilateral effort initiated by the City of San Jose to annex Cambrian 36 -- an effort which directly contradicts the stated desire of both the City of Campbell and Cambrian 36 property owners to annex Cambrian 36 into the City of Campbell. In October of 2006, a petition signed by 204 Cambrian 36 property owners was presented to the City of Campbell asking that it be annexed to the City of Campbell. In response, the City of Campbell directed its staff to pursue two different possibilities for annexation of Cambrian 36, one which received preliminary support from City of San Jose staff. Councilmember Judy Chirco, citing an inapplicable 1984 city policy (concerning *de-annexation*), quashed this effort. Despite this disappointing response, both Campbell's and Cambrian 36 property owners' interest in annexing Cambrian 36 remains unequivocal. As recently expressed in the Mayor of Campbell's letter to the Mayor of San Jose dated September 2, 2010, "Campbell welcomes the annexation of the Cambrian #36 pocket into our city. The residents have Campbell mailing addresses, identify with Campbell, and stated a clear preference to be part of Campbell."
3. Rezoning Will Result in Annexation that Will Not Benefit My Property. My property will not benefit from the City of San Jose's intended annexation that will result from the proposed Rezoning. On the contrary, it will result in a downgrade of my current services received from the County of Santa Clara at an increased cost. The City of San Jose does not currently provide Cambrian 36 residents any services and it has not provided any indication that it is capable of meeting the standard of services that we currently receive. Furthermore, it has not resolved the pressing issue of the City's ability to provide fire

service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

4. Staff Analysis of Prezoning is Insufficient. Staff has not provided a sufficient analysis of how the proposed Prezoning compares with my property's existing County zoning. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning. Nor has it provided a comparison of floor area ratios and densities etc. Further, it has not provided sufficient analysis of what existing legal uses would become legal non-conforming. As such, it is impossible for me to understand and evaluate the affect of the Prezoning on my property.

5. Environmental Review of Prezoning Violates CEQA. Environmental review of the Prezoning has not been conducted in compliance with the California Environmental Quality Act ("CEQA"). the City of San Jose's attempted reliance on the San José 2020 General Plan Environmental Impact Report ("EIR") is legally inadequate. The EIR was certified as complete on August 16, 1994 – more than 16 years ago -- and is not current nor accurate. Since its certification, new information of substantial importance to the Prezoning that was not known and could not have been known at the time the EIR was certified as complete is now available (such as changes in urban service area, changes in population, changes in provision of services, public infrastructure etc.). As such, a supplemental or subsequent EIR would need to be prepared in order to include new information since the certification date. At the very minimum, an addendum to the EIR is required to make minor corrections or changes. See Public Resources Code § 21166 and 14 Cal. Code Regs § 15162.

6. Public Hearing Notice Violated City and State Notice Requirements. Notice for the San Jose Planning Commission August 25th public hearing on the Prezoning failed to comply with the City's own notice policies and State Planning & Zoning notice requirements. Despite repeated requests for deferral from Cambrian 36 property owners based on this insufficient notice as well as lack of staff analysis and inadequate CEQA review, the Planning Commission refused to grant the deferral request and instead recommended the Prezoning for the City Council's approval. As such, the Planning Commission's recommendation is null and void and the City Council's consideration of the Prezoning is premature and does not comply with Municipal Code § 20.120.030(B).

## ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER		DATE _____ BY _____	

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED	967 SALERNO DR. CAMPBELL CA 95008
ASSESSOR'S PARCEL NUMBER(S)	412-39-043
REASON OF PROTEST	
I protest the proposed rezoning because <u>See Attachment A</u>	
Use separate sheet if necessary	
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number)	
967 SALERNO DR.	
CAMPBELL, CA 95008	
APN 412 39 043	
and is now zoned	R1-8 District. (in Santa Clara County)
The undivided interest which I own in the property described in the statement above is a:	
<input checked="" type="checkbox"/> Fee Interest (ownership) <input type="checkbox"/> Leasehold interest which expires on _____ <input type="checkbox"/> Other: (explain) _____	

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

## ZONING PROTEST APPLICATION

## SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by ONE or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

PRINT NAME <b>ALFONSO C. OKOZCO</b>	DAYTIME TELEPHONE# <b>408-559 6850</b>
ADDRESS <b>967 SALERNO DR. CAMPBELL CA.</b>	CITY STATE ZIP CODE <b>CAMPBELL CA 95008</b>
SIGNATURE (Notarized) <i>Alfonso C. Okozco</i>	DATE <b>9/25/10</b>
PRINT NAME <b>ANNE GLYNN OKOZCO</b>	DAYTIME TELEPHONE# <b>408 559 6850</b>
ADDRESS <b>967 SALERNO DR CAMPBELL</b>	CITY STATE ZIP CODE <b>CAMPBELL CA 95008</b>
SIGNATURE (Notarized) <i>Anne Glynn Okozco</i>	DATE <b>09/25/10</b>
PRINT NAME	DAYTIME TELEPHONE#
ADDRESS	CITY STATE ZIP CODE
SIGNATURE (Notarized)	DATE
PRINT NAME	DAYTIME TELEPHONE#
ADDRESS	CITY STATE ZIP CODE
SIGNATURE (Notarized)	DATE
PRINT NAME	DAYTIME TELEPHONE#
ADDRESS	CITY STATE ZIP CODE
SIGNATURE (Notarized)	DATE
PRINT NAME	DAYTIME TELEPHONE#
ADDRESS	CITY STATE ZIP CODE
SIGNATURE (Notarized)	DATE

Use separate sheet if necessary

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA

COUNTY OF Santa Clara

SS.

On Sept 25, 2010 before me, Diane M. James, Notary Public, personally appeared Alfonso Castro Orozco, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Diane M. James  
Notary Public



STATE OF CALIFORNIA

COUNTY OF Santa Clara

SS.

On Sept 25, 2010 before me, Diane M. James, Notary Public, personally appeared Atty Anne Glynn Orozco, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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WITNESS my hand and official seal.

Diane M. James  
Notary Public





ATTACHMENT A

TO ZONING PROTEST APPLICATION

I protest -- and respectfully urge the City Council to deny -- the proposed Director Initiated Rezoning (File No. C10-010) ("Rezoning") that would result in the rezoning of my property to R-1-5 Single-Family Residence Zoning District upon annexation to the City of San Jose for the following reasons and with reference to the following facts:

1. Rezoning Paves the Way for Streamlined Annexation Without Protest. The Rezoning is proposed in conjunction with -- and is a necessary prerequisite to -- the City of San Jose's intended streamlined "urban pocket" annexation (pursuant to Government Code § 56375.3) of approximately 103 gross acres, consisting of 330 parcels in unincorporated Santa Clara County, which is commonly known as Cambrian 36. Cambrian 36 encompasses my property and borders both the City of Campbell and the City of San Jose.
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service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

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5. Environmental Review of Prezoning Violates CEQA. Environmental review of the Prezoning has not been conducted in compliance with the California Environmental Quality Act ("CEQA"). the City of San Jose's attempted reliance on the San José 2020 General Plan Environmental Impact Report ("EIR") is legally inadequate. The EIR was certified as complete on August 16, 1994 -- more than 16 years ago -- and is not current nor accurate. Since its certification, new information of substantial importance to the Prezoning that was not known and could not have been known at the time the EIR was certified as complete is now available (such as changes in urban service area, changes in population, changes in provision of services, public infrastructure etc.). As such, a supplemental or subsequent EIR would need to be prepared in order to include new information since the certification date. At the very minimum, an addendum to the EIR is required to make minor corrections or changes. See Public Resources Code § 21166 and 14 Cal. Code Regs § 15162.

6. Public Hearing Notice Violated City and State Notice Requirements. Notice for the San Jose Planning Commission August 25th public hearing on the Prezoning failed to comply with the City's own notice policies and State Planning & Zoning notice requirements. Despite repeated requests for deferral from Cambrian 36 property owners based on this insufficient notice as well as lack of staff analysis and inadequate CEQA review, the Planning Commission refused to grant the deferral request and instead recommended the Prezoning for the City Council's approval. As such, the Planning Commission's recommendation is null and void and the City Council's consideration of the Prezoning is premature and does not comply with Municipal Code § 20.120.030(B).



**CITY OF SAN JOSE**  
Planning, Building and Code Enforcement  
200 East Santa Clara Street  
San José, CA 95113-1905  
tel (408) 535-3555 fax (408) 292-6055  
Website: [www.sanjoseca.gov/planning](http://www.sanjoseca.gov/planning)

## ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
* ADDRESS OF PROPERTY BEING PROTESTED <u>986 SALERNO DRIVE</u>	
ASSESSOR'S PARCEL NUMBER(S) <u>412-40-006-00</u>	
REASON OF PROTEST I protest the proposed rezoning because <u>See Attachment A</u> _____ _____ Use separate sheet if necessary	
* The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number) <u>986 SALERNO DRIVE</u> <u>P/N 412-40-006-00</u> _____ _____	
and is now zoned <u>R1-8</u> District (in Santa Clara County)	
* The undivided interest which I own in the property described in the statement above is a: <input checked="" type="checkbox"/> Fee Interest (ownership) <input type="checkbox"/> Leasehold interest which expires on _____ <input type="checkbox"/> Other: (explain) _____ _____ _____	

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

Zoning Protest/pen55/Application Rev. 6/2/2008

## ZONING PROTEST APPLICATION

## SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by ONE or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

PRINT NAME <b>CHARLES HECKART</b>	DAYTIME TELEPHONE # <b>408-898-7602</b>
ADDRESS <b>986 SALERNO DRIVE</b>	CITY <b>Campbell</b> STATE <b>CA</b> ZIP CODE <b>95008</b>
SIGNATURE (Notarized) <i>Charles Heckart</i>	DATE <b>25 SEP 10</b>
PRINT NAME	DAYTIME TELEPHONE #
ADDRESS	CITY STATE ZIP CODE
SIGNATURE (Notarized)	DATE
PRINT NAME	DAYTIME TELEPHONE #
ADDRESS	CITY STATE ZIP CODE
SIGNATURE (Notarized)	DATE
PRINT NAME	DAYTIME TELEPHONE #
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Zoning Protest.ppt/55/1 Application Rev. 6/2/2008

STATE OF CALIFORNIA

COUNTY OF Santa Clara

)  
) ss.  
)

On Sept 25, 2010 before me, Diane M. James, Notary Public, personally appeared Charles Christopher Chickett, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Diane M. James  
Notary Public

(Seal)



STATE OF CALIFORNIA

COUNTY OF \_\_\_\_\_

)  
) ss.  
)

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\_\_\_\_\_  
Notary Public

(Seal)

ATTACHMENT A

TO ZONING PROTEST APPLICATION

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TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED <u>1034 Salerno Dr.</u>	
ASSESSOR'S PARCEL NUMBER(S) <u>414-05-050</u>	
REASON OF PROTEST I protest the proposed rezoning because <u>See Attachment A</u>	
Use separate sheet if necessary	
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number) <u>1034 Salerno Dr. Campbell CA 95008</u> <u>APN: 414 05-050</u>	
and is now zoned <u>R1-8</u> District (in Santa Clara County)	
The undivided interest which I own in the property described in the statement above is a:	
<input checked="" type="checkbox"/> Fee interest (ownership) <input type="checkbox"/> Leasehold interest which expires on _____ <input type="checkbox"/> Other: (explain) _____	

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## ZONING PROTEST APPLICATION

## SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by ONE or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

PRINT NAME	CURTIS THOMPSON	DAYTIME TELEPHONE #	408 835-9501
ADDRESS	1034 Salerno Dr	CITY	Campbell
		STATE	CA
		ZIP CODE	95008
SIGNATURE (Notarized)	[Signature]	DATE	9-27-10
PRINT NAME	IMELDA THOMPSON	DAYTIME TELEPHONE #	408 626-7306
ADDRESS	1034 Salerno Dr	CITY	Campbell
		STATE	CA
		ZIP CODE	95008
SIGNATURE (Notarized)	[Signature]	DATE	09-27-2010
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	
		STATE	
		ZIP CODE	
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	
		STATE	
		ZIP CODE	
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	
		STATE	
		ZIP CODE	
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	
		STATE	
		ZIP CODE	
SIGNATURE (Notarized)		DATE	

Use separate sheet if necessary

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA

)

) ss.

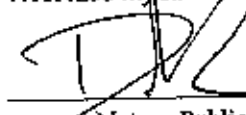
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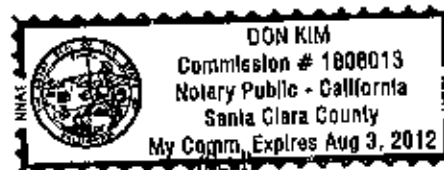
COUNTY OF SANTA CLARA

On SEPT. 27, 2010 before me, DON KIM, Notary Public, personally appeared CURTIS THOMPSON AND IMELDA THOMPSON, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

  
\_\_\_\_\_  
Notary Public



STATE OF CALIFORNIA

)

) ss.

)

COUNTY OF \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public

(Seal)

**ATTACHMENT A**

**TO ZONING PROTEST APPLICATION**

I protest -- and respectfully urge the City Council to deny -- the proposed Director Initiated Rezoning (File No. C10-010) ("Rezoning") that would result in the rezoning of my property to R-1-5 Single-Family Residence Zoning District upon annexation to the City of San Jose for the following reasons and with reference to the following facts:

1. Rezoning Paves the Way for Streamlined Annexation Without Protest. The Rezoning is proposed in conjunction with -- and is a necessary prerequisite to -- the City of San Jose's intended streamlined "urban pocket" annexation (pursuant to Government Code § 56375.3) of approximately 103 gross acres, consisting of 330 parcels in unincorporated Santa Clara County, which is commonly known as Cambrian 36. Cambrian 36 encompasses my property and borders both the City of Campbell and the City of San Jose.
2. Rezoning Directly Contradicts City of Campbell and Cambrian 36 Property Owners Requests. The Rezoning is the first step of a unilateral effort initiated by the City of San Jose to annex Cambrian 36 -- an effort which directly contradicts the stated desire of both the City of Campbell and Cambrian 36 property owners to annex Cambrian 36 into the City of Campbell. In October of 2006, a petition signed by 204 Cambrian 36 property owners was presented to the City of Campbell asking that it be annexed to the City of Campbell. In response, the City of Campbell directed its staff to pursue two different possibilities for annexation of Cambrian 36, one which received preliminary support from City of San Jose staff. Councilmember Judy Chirco, citing an inapplicable 1984 city policy (concerning *de-annexation*), quashed this effort. Despite this disappointing response, both Campbell's and Cambrian 36 property owners' interest in annexing Cambrian 36 remains unequivocal. As recently expressed in the Mayor of Campbell's letter to the Mayor of San Jose dated September 2, 2010, "Campbell welcomes the annexation of the Cambrian #36 pocket into our city. The residents have Campbell mailing addresses, identify with Campbell, and stated a clear preference to be part of Campbell."
3. Rezoning Will Result in Annexation that Will Not Benefit My Property. My property will not benefit from the City of San Jose's intended annexation that will result from the proposed Rezoning. On the contrary, it will result in a downgrade of my current services received from the County of Santa Clara at an increased cost. The City of San Jose does not currently provide Cambrian 36 residents any services and it has not provided any indication that it is capable of meeting the standard of services that we currently receive. Furthermore, it has not resolved the pressing issue of the City's ability to provide fire

service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

4. Staff Analysis of Prezoning is Insufficient. Staff has not provided a sufficient analysis of how the proposed Prezoning compares with my property's existing County zoning. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning. Nor has it provided a comparison of floor area ratios and densities etc. Further, it has not provided sufficient analysis of what existing legal uses would become legal non-conforming. As such, it is impossible for me to understand and evaluate the affect of the Prezoning on my property.

5. Environmental Review of Prezoning Violates CEQA. Environmental review of the Prezoning has not been conducted in compliance with the California Environmental Quality Act ("CEQA"). the City of San Jose's attempted reliance on the San José 2020 General Plan Environmental Impact Report ("EIR") is legally inadequate. The EIR was certified as complete on August 16, 1994 -- more than 16 years ago -- and is not current nor accurate. Since its certification, new information of substantial importance to the Prezoning that was not known and could not have been known at the time the EIR was certified as complete is now available (such as changes in urban service area, changes in population, changes in provision of services, public infrastructure etc.). As such, a supplemental or subsequent EIR would need to be prepared in order to include new information since the certification date. At the very minimum, an addendum to the EIR is required to make minor corrections or changes. See Public Resources Code § 21166 and 14 Cal. Code Regs § 15162.

6. Public Hearing Notice Violated City and State Notice Requirements. Notice for the San Jose Planning Commission August 25th public hearing on the Prezoning failed to comply with the City's own notice policies and State Planning & Zoning notice requirements. Despite repeated requests for deferral from Cambrian 36 property owners based on this insufficient notice as well as lack of staff analysis and inadequate CEQA review, the Planning Commission refused to grant the deferral request and instead recommended the Prezoning for the City Council's approval. As such, the Planning Commission's recommendation is null and void and the City Council's consideration of the Prezoning is premature and does not comply with Municipal Code § 20.120.030(B).



**CITY OF SAN JOSE**  
Planning, Building and Code Enforcement  
200 East Santa Clara Street  
San José, CA 95113-1805  
tel (408) 535-3555 fax (408) 292-6055  
Website: [www.sanjoseca.gov/planning](http://www.sanjoseca.gov/planning)

## ZONING PROTEST APPLICATION

### TO BE COMPLETED BY PLANNING STAFF

FILE NUMBER		COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

### TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)

ADDRESS OF PROPERTY BEING PROTESTED 1169 Shamrock Dr. Campbell, CA 95008

ASSESSOR'S PARCEL NUMBER(S) 414-01-017

#### REASON OF PROTEST

I protest the proposed rezoning because See Attachment A

Use separate sheet if necessary

The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number)

1169 Shamrock Drive, Campbell, CA 95008  
414-01-017

and is now zoned R1-8 District. (in Santa Clara County)

The undivided interest which I own in the property described in the statement above is a:

☒ Fee Interest (ownership)

☐ Leasehold interest which expires on \_\_\_\_\_


☐ Other: (explain) \_\_\_\_\_

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

## ZONING PROTEST APPLICATION

## SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by **ONE** or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

PRINT NAME <i>Roya P. Khasroui</i>		DAYTIME TELEPHONE # <i>408-529-8090</i>	
ADDRESS <i>13796 VLA A180 Ct</i>		CITY <i>Sanatoga</i>	STATE <i>CA</i> ZIP CODE <i>95070</i>
SIGNATURE (Notarized) 		DATE <i>9-27-200</i>	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	

Use separate sheet if necessary

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA

)

COUNTY OF SANTA CLARA

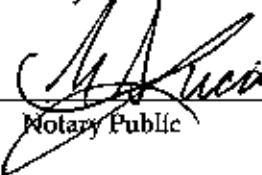
) ss.

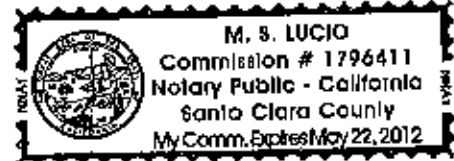
)

On 9/27/10 before me, M. S. LUCIO, Notary Public, personally appeared DELIA S. PANATHI KHASROVI, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

  
\_\_\_\_\_  
Notary Public



(Seal)

STATE OF CALIFORNIA

)

COUNTY OF \_\_\_\_\_

) ss.

)

On \_\_\_\_\_ before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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\_\_\_\_\_  
Notary Public

(Seal)

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**CITY OF SAN JOSE**

Planning, Building and Code Enforcement  
200 East Santa Clara Street  
San José, CA 95113-1905  
tel (408) 535-3555 fax (408) 292-6055  
Website: [www.sanjoseca.gov/planning](http://www.sanjoseca.gov/planning)

**ZONING PROTEST APPLICATION**

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)
--

ADDRESS OF PROPERTY BEING PROTESTED 1191 SHAMROCK DR. CAMPBELL CA 95008

ASSESSOR'S PARCEL NUMBER(S) 414-01-020-00

**REASON OF PROTEST**

I protest the proposed rezoning because See Attachment A.

Use separate sheet if necessary

The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number)

1191 SHAMROCK DR. CAMPBELL CA 95008

414-01-020-00

and is now zoned R1-8 District. (in Santa Clara County)

The undivided interest which I own in the property described in the statement above is a:

☒ Fee Interest (ownership)

☐ Leasehold interest which expires on \_\_\_\_\_



☐ Other: (explain) \_\_\_\_\_

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

## ZONING PROTEST APPLICATION

## SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by **ONE** or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

PRINT NAME	PATRICK KING			DAYTIME TELEPHONE #	(408) 369-1125
ADDRESS	1191 SHAMROCK DR.	CITY	CAMPBELL	STATE	CA ZIP CODE 95008
SIGNATURE (Notarized)					DATE 9-22-2010
PRINT NAME	Kathleen King			DAYTIME TELEPHONE #	(408) 369-1125
ADDRESS	1191 Shamrock Dr.	CITY	Campbell	STATE	CA ZIP CODE 95008
SIGNATURE (Notarized)					DATE 9-22-2010
PRINT NAME				DAYTIME TELEPHONE #	
ADDRESS		CITY		STATE	ZIP CODE
SIGNATURE (Notarized)					DATE
PRINT NAME				DAYTIME TELEPHONE #	
ADDRESS		CITY		STATE	ZIP CODE
SIGNATURE (Notarized)					DATE
PRINT NAME				DAYTIME TELEPHONE #	
ADDRESS		CITY		STATE	ZIP CODE
SIGNATURE (Notarized)					DATE
PRINT NAME				DAYTIME TELEPHONE #	
ADDRESS		CITY		STATE	ZIP CODE
SIGNATURE (Notarized)					DATE

Use separate sheet if necessary

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

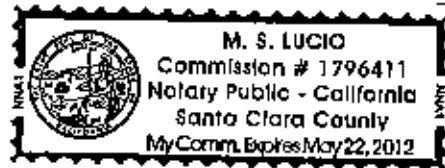
)  
) ss.  
)

On 9/22/10 before me, M.S. LUCIO, Notary Public, personally appeared PATRICK AND KATHLEEN KING, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]  
Notary Public



(Seal)

STATE OF CALIFORNIA

COUNTY OF \_\_\_\_\_

)  
) ss.  
)

On \_\_\_\_\_ before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public

(Seal)

## ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)
--

\* ADDRESS OF PROPERTY BEING PROTESTED 1206 SHAMROCK DR  
1176 SHAMROCK DR - Campbell

ASSESSOR'S PARCEL NUMBER(S) 414-01-054-00, 414-01-053

REASON OF PROTEST

I protest the proposed rezoning because See Attachment A

Use separate sheet if necessary

The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number)

\* 1176 SHAMROCK DR - 1206 Shamrock Dr  
Campbell CA 95008  
414-01-054, 414-01-053

and is now zoned R1-8 District. (in Santa Clara County)

The undivided interest which I own in the property described in the statement above is a:

\* ☒ Fee Interest (ownership)

☐ Leasehold interest which expires on \_\_\_\_\_

☐ Other: (explain) \_\_\_\_\_

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

## ZONING PROTEST APPLICATION

## SIGNATURE(S) OF PROTESTANT(S)

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PRINT NAME	VINCENT MARGO			DAYTIME TELEPHONE#	408-371-7025
ADDRESS	1206 SHAMROCK DR. Campbell, CA			STATE	ZIP CODE
SIGNATURE (Notarized)				DATE	
Vincent Margo				9/27/10	
PRINT NAME	EMMA MARGO			DAYTIME TELEPHONE#	408-371-7025
ADDRESS	1206 SHAMROCK DR. Campbell, CA			STATE	ZIP CODE
SIGNATURE (Notarized)				DATE	
Emma Margo				9/27/10	
PRINT NAME				DAYTIME TELEPHONE#	
ADDRESS				STATE	ZIP CODE
SIGNATURE (Notarized)				DATE	
PRINT NAME				DAYTIME TELEPHONE#	
ADDRESS				STATE	ZIP CODE
SIGNATURE (Notarized)				DATE	
PRINT NAME				DAYTIME TELEPHONE#	
ADDRESS				STATE	ZIP CODE
SIGNATURE (Notarized)				DATE	
PRINT NAME				DAYTIME TELEPHONE#	
ADDRESS				STATE	ZIP CODE
SIGNATURE (Notarized)				DATE	

Use separate sheet if necessary

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA

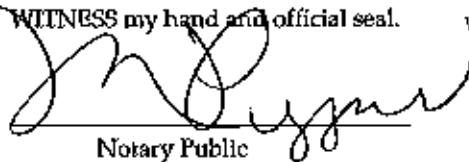
COUNTY OF Santa Clara

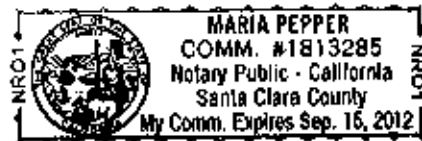
)  
) ss.  
)

On 9/27/2010 before me, Maria Pepper, Notary Public, personally appeared Vincent & Emma Maria Margo, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

  
Notary Public



(Seal)

STATE OF CALIFORNIA

COUNTY OF \_\_\_\_\_

)  
) ss.  
)

On \_\_\_\_\_ before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public

(Seal)

service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

4. Staff Analysis of Rezoning is Insufficient. Staff has not provided a sufficient analysis of how the proposed Rezoning compares with my property's existing County zoning. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning. Nor has it provided a comparison of floor area ratios and densities etc. Further, it has not provided sufficient analysis of what existing legal uses would become legal non-conforming. As such, it is impossible for me to understand and evaluate the affect of the Rezoning on my property.

5. Environmental Review of Rezoning Violates CEQA. Environmental review of the Rezoning has not been conducted in compliance with the California Environmental Quality Act ("CEQA"). the City of San Jose's attempted reliance on the San José 2020 General Plan Environmental Impact Report ("EIR") is legally inadequate. The EIR was certified as complete on August 16, 1994 -- more than 16 years ago -- and is not current nor accurate. Since its certification, new information of substantial importance to the Rezoning that was not known and could not have been known at the time the EIR was certified as complete is now available (such as changes in urban service area, changes in population, changes in provision of services, public infrastructure etc.). As such, a supplemental or subsequent EIR would need to be prepared in order to include new information since the certification date. At the very minimum, an addendum to the EIR is required to make minor corrections or changes. See Public Resources Code § 21166 and 14 Cal. Code Regs § 15162.

6. Public Hearing Notice Violated City and State Notice Requirements. Notice for the San Jose Planning Commission August 25th public hearing on the Rezoning failed to comply with the City's own notice policies and State Planning & Zoning notice requirements. Despite repeated requests for deferral from Cambrian 36 property owners based on this insufficient notice as well as lack of staff analysis and inadequate CEQA review, the Planning Commission refused to grant the deferral request and instead recommended the Rezoning for the City Council's approval. As such, the Planning Commission's recommendation is null and void and the City Council's consideration of the Rezoning is premature and does not comply with Municipal Code § 20.120.030(B).



**CITY OF SAN JOSE**

Planning, Building and Code Enforcement  
200 East Santa Clara Street  
San Jose, CA 95113-1905  
tel (408) 535-3555 fax (408) 292-6055  
Website: [www.sanjoseca.gov/planning](http://www.sanjoseca.gov/planning)

**ZONING PROTEST APPLICATION**

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED <u>1211 Shamrock Dr</u>	
ASSESSOR'S PARCEL NUMBER(S) <u>414-01-021</u>	
REASON OF PROTEST I protest the proposed rezoning because <u>See Attachment A</u>	
Use separate sheet if necessary	
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number) <u>1211 Shamrock Dr</u> <u>414-01-021</u>	
and is now zoned <u>R1-8</u> District (in Santa Clara County)	
The undivided interest which I own in the property described in the statement above is a: <input type="checkbox"/> Fee Interest (ownership) <input checked="" type="checkbox"/> Leasehold interest which expires on <u>10 yrs.</u> <input type="checkbox"/> Other: (explain) _____	

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

## ZONING PROTEST APPLICATION

## SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by **ONE** or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

PRINT NAME <i>Dana L. Georgopoul</i>		DAYTIME TELEPHONE # <i>408-377-6188</i>	
ADDRESS <i>1211 Shamrock Dr</i>	CITY <i>Campbell</i>	STATE <i>Ca</i>	ZIP CODE <i>95008</i>
SIGNATURE (Notarized) <i>Dana L. Georgopoul</i>		DATE <i>9-27-10</i>	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	

Use separate sheet if necessary

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA

COUNTY OF Santa Clara

)  
) ss.  
)

On 9-27-10 before me, Michelle Antonowicz, Notary Public, personally appeared Diana L. Georgopol, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Michelle Antonowicz  
Notary Public



STATE OF CALIFORNIA

COUNTY OF \_\_\_\_\_

)  
) ss.  
)

On \_\_\_\_\_ before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public

(Seal)

ATTACHMENT A

TO ZONING PROTEST APPLICATION

I protest -- and respectfully urge the City Council to deny -- the proposed Director Initiated Prezoning (File No. C10-010) ("Prezoning") that would result in the rezoning of my property to R-1-5 Single-Family Residence Zoning District upon annexation to the City of San Jose for the following reasons and with reference to the following facts:

1. Prezoning Paves the Way for Streamlined Annexation Without Protest. The Prezoning is proposed in conjunction with -- and is a necessary prerequisite to -- the City of San Jose's intended streamlined "urban pocket" annexation (pursuant to Government Code § 56375.3) of approximately 103 gross acres, consisting of 330 parcels in unincorporated Santa Clara County, which is commonly known as Cambrian 36. Cambrian 36 encompasses my property and borders both the City of Campbell and the City of San Jose.
2. Prezoning Directly Contradicts City of Campbell and Cambrian 36 Property Owners Requests. The Prezoning is the first step of a unilateral effort initiated by the City of San Jose to annex Cambrian 36 -- an effort which directly contradicts the stated desire of both the City of Campbell and Cambrian 36 property owners to annex Cambrian 36 into the City of Campbell. In October of 2006, a petition signed by 204 Cambrian 36 property owners was presented to the City of Campbell asking that it be annexed to the City of Campbell. In response, the City of Campbell directed its staff to pursue two different possibilities for annexation of Cambrian 36, one which received preliminary support from City of San Jose staff. Councilmember Judy Chirco, citing an inapplicable 1984 city policy (concerning *de-annexation*), quashed this effort. Despite this disappointing response, both Campbell's and Cambrian 36 property owners' interest in annexing Cambrian 36 remains unequivocal. As recently expressed in the Mayor of Campbell's letter to the Mayor of San Jose dated September 2, 2010, "Campbell welcomes the annexation of the Cambrian #36 pocket into our city. The residents have Campbell mailing addresses, identify with Campbell, and stated a clear preference to be part of Campbell."
3. Prezoning Will Result in Annexation that Will Not Benefit My Property. My property will not benefit from the City of San Jose's intended annexation that will result from the proposed Prezoning. On the contrary, it will result in a downgrade of my current services received from the County of Santa Clara at an increased cost. The City of San Jose does not currently provide Cambrian 36 residents any services and it has not provided any indication that it is capable of meeting the standard of services that we currently receive. Furthermore, it has not resolved the pressing issue of the City's ability to provide fire

service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

4. Staff Analysis of Prezoning is Insufficient. Staff has not provided a sufficient analysis of how the proposed Prezoning compares with my property's existing County zoning. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning. Nor has it provided a comparison of floor area ratios and densities etc. Further, it has not provided sufficient analysis of what existing legal uses would become legal non-conforming. As such, it is impossible for me to understand and evaluate the affect of the Prezoning on my property.

5. Environmental Review of Prezoning Violates CEQA. Environmental review of the Prezoning has not been conducted in compliance with the California Environmental Quality Act ("CEQA"). the City of San Jose's attempted reliance on the San José 2020 General Plan Environmental Impact Report ("EIR") is legally inadequate. The EIR was certified as complete on August 16, 1994 -- more than 16 years ago -- and is not current nor accurate. Since its certification, new information of substantial importance to the Prezoning that was not known and could not have been known at the time the EIR was certified as complete is now available (such as changes in urban service area, changes in population, changes in provision of services, public infrastructure etc.). As such, a supplemental or subsequent EIR would need to be prepared in order to include new information since the certification date. At the very minimum, an addendum to the EIR is required to make minor corrections or changes. See Public Resources Code § 21166 and 14 Cal. Code Regs § 15162.

6. Public Hearing Notice Violated City and State Notice Requirements. Notice for the San Jose Planning Commission August 25th public hearing on the Prezoning failed to comply with the City's own notice policies and State Planning & Zoning notice requirements. Despite repeated requests for deferral from Cambrian 36 property owners based on this insufficient notice as well as lack of staff analysis and inadequate CEQA review, the Planning Commission refused to grant the deferral request and instead recommended the Prezoning for the City Council's approval. As such, the Planning Commission's recommendation is null and void and the City Council's consideration of the Prezoning is premature and does not comply with Municipal Code § 20.120.030(B).

**CITY OF SAN JOSE**

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tel (408) 535-3555 fax (408) 292-6055  
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**ZONING PROTEST APPLICATION**

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED <u>1421 LOIS Way Campbell CA 95008</u>	
ASSESSOR'S PARCEL NUMBER(S) <u>414-04-027</u>	
REASON OF PROTEST I protest the proposed rezoning because <u>See Attachment A</u> _____ _____ Use separate sheet if necessary	
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number) <u>APN # 414-04-027</u> <u>1421 LOIS WAY CAMPBELL CA 95008</u>	
and is now zoned <u>R1-8</u> District. (in Santa Clara County)	
The undivided interest which I own in the property described in the statement above is a: <input checked="" type="checkbox"/> Fee Interest (ownership) <input type="checkbox"/> Leasehold interest which expires on _____ <input type="checkbox"/> Other: (explain) _____ _____ _____	

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

## ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)			
<p>This form must be signed by <b>ONE</b> or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.</p>			
PRINT NAME	Steven Musich		DAYTIME TELEPHONE# 981-3050
ADDRESS	CITY	STATE	ZIP CODE
1411 LOTS WAY CAMPBELL CA		CA	95008
SIGNATURE (Notarized)		DATE 7-22-10	
PRINT NAME	LINDA MUSICH		DAYTIME TELEPHONE# 981-1548
ADDRESS	CITY	STATE	ZIP CODE
1411 LOTS WAY CAMPBELL CA		CA	95008
SIGNATURE (Notarized)		DATE 7-22-10	
PRINT NAME			DAYTIME TELEPHONE#
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME			DAYTIME TELEPHONE#
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME			DAYTIME TELEPHONE#
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME			DAYTIME TELEPHONE#
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	

Use separate sheet if necessary

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

)  
) ss.  
)

On 9/22/10 before me, M.S. LUCIO, Notary Public, personally appeared  
STEVEN MUSICH - LINDA MUSICH - who proved to me on the basis of  
satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and  
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and  
that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the  
person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.

*M.S. Lucio*  
Notary Public



(Seal)

STATE OF CALIFORNIA

COUNTY OF \_\_\_\_\_

)  
) ss.  
)

On \_\_\_\_\_ before me, \_\_\_\_\_, Notary Public, personally appeared  
\_\_\_\_\_, who proved to me on the basis of  
satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and  
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and  
that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the  
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paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public

(Seal)



service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

4. Staff Analysis of Rezoning is Insufficient. Staff has not provided a sufficient analysis of how the proposed Rezoning compares with my property's existing County zoning. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning. Nor has it provided a comparison of floor area ratios and densities etc. Further, it has not provided sufficient analysis of what existing legal uses would become legal non-conforming. As such, it is impossible for me to understand and evaluate the affect of the Rezoning on my property.

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6. Public Hearing Notice Violated City and State Notice Requirements. Notice for the San Jose Planning Commission August 25th public hearing on the Rezoning failed to comply with the City's own notice policies and State Planning & Zoning notice requirements. Despite repeated requests for deferral from Cambrian 36 property owners based on this insufficient notice as well as lack of staff analysis and inadequate CEQA review, the Planning Commission refused to grant the deferral request and instead recommended the Rezoning for the City Council's approval. As such, the Planning Commission's recommendation is null and void and the City Council's consideration of the Rezoning is premature and does not comply with Municipal Code § 20.120.030(B).



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## ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED <u>1431-1433 Lois Way Campbell CA 95008</u>	
ASSESSOR'S PARCEL NUMBER(S) <u>414-04-028-00</u>	
REASON OF PROTEST I protest the proposed rezoning because <u>See Attachment A</u> _____ _____ _____ Use separate sheet if necessary	
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number) <u>414-04-028-00</u> <u>1431-1433 Lois Way Campbell CA 95008</u> _____ _____	
and is now zoned <u>R1-8</u> District. (in Santa Clara County)	
The undivided interest which I own in the property described in the statement above is a: <input checked="" type="checkbox"/> Fee Interest (ownership) <input type="checkbox"/> Leasehold interest which expires on _____ <input type="checkbox"/> Other: (explain) _____ _____ _____	

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

## ZONING PROTEST APPLICATION

## SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by ONE or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

PRINT NAME	Blanche Kellaway			DAYTIME TELEPHONE #	408 879 9748	
ADDRESS	1431 Lois Way	CITY	Campbell	STATE	CA	ZIP CODE
SIGNATURE (Notarized)				DATE		9/22/10
PRINT NAME	Blanche Kellaway			DAYTIME TELEPHONE #	408 879 9748	
ADDRESS		CITY		STATE		ZIP CODE
SIGNATURE (Notarized)				DATE		9/22/10
PRINT NAME				DAYTIME TELEPHONE #		
ADDRESS		CITY		STATE		ZIP CODE
SIGNATURE (Notarized)				DATE		
PRINT NAME				DAYTIME TELEPHONE #		
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SIGNATURE (Notarized)				DATE		
PRINT NAME				DAYTIME TELEPHONE #		
ADDRESS		CITY		STATE		ZIP CODE
SIGNATURE (Notarized)				DATE		

Use separate sheet if necessary

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA

COUNTY OF

Santa Clara

)  
) ss.  
)

On Sept 22, 2010 before me, Blanche P. Kellaway, Notary Public, personally appeared Blanche P. Kellaway, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Blanche M. Jones  
Notary Public



(Seal)

STATE OF CALIFORNIA

COUNTY OF \_\_\_\_\_

)  
) ss.  
)

On \_\_\_\_\_ before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public

(Seal)

ATTACHMENT A

TO ZONING PROTEST APPLICATION

I protest -- and respectfully urge the City Council to deny -- the proposed Director Initiated Rezoning (File No. C10-010) ("Rezoning") that would result in the rezoning of my property to R-1-5 Single-Family Residence Zoning District upon annexation to the City of San Jose for the following reasons and with reference to the following facts:

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